

**Representative Marc K. Roberts** proposes the following substitute bill:

**STATE AND POLITICAL SUBDIVISION**

**JURISDICTIONAL AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marc K. Roberts**

Senate Sponsor: David P. Hinkins

7	Cosponsors:	Keith Grover	Curtis Oda
8	Jacob L. Anderegg	Stephen G. Handy	Jeremy A. Peterson
9	Jerry B. Anderson	Ken Ivory	Douglas V. Sagers
10	Roger E. Barrus	John Knotwell	Jon E. Stanard
11	Melvin R. Brown	Dana L. Layton	Keven J. Stratton
12	Kay J. Christofferson	David E. Lifferth	John R. Westwood
13	Susan Duckworth	Mike K. McKell	Ryan D. Wilcox
14	Brian M. Greene	Jim Nielson	



**LONG TITLE**

**General Description:**

This bill modifies Title 11, Cities, Counties, and Local Taxing Units, by creating the "Local Jurisdiction Related to Federally Managed Land Act."

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ describes actions that may be taken by a chief executive officer of a municipality or county, or a county sheriff, to respond to action taken, or action not being taken, by



25 the United States Bureau of Land Management (BLM) or the United States Forest Service  
26 (Forest Service) on federally managed land in the state that adversely affects or constitutes an  
27 imminent threat to the health, safety, or welfare of the people of the municipality or county,  
28 which actions may include:

- 29 • providing written notice to the BLM or Forest Service; and
- 30 • entry onto the federally managed land to mitigate the risk to the health, safety,  
31 or welfare of the people of the municipality, if, after receiving notice, the BLM  
32 or Forest Service does not mitigate the risk to the health, safety, or welfare of  
33 the people of the municipality or county; and

34 ▶ provides that the state shall indemnify a chief executive officer, a county sheriff, or  
35 an employee or agent of the chief executive officer or county sheriff against an  
36 action brought by the United States or a federal representative, if the indemnified  
37 person was acting in good faith to follow the requirements of this act.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 ENACTS:

44 **11-50-101**, Utah Code Annotated 1953

45 **11-50-102**, Utah Code Annotated 1953

46 **11-50-103**, Utah Code Annotated 1953

47 **11-50-104**, Utah Code Annotated 1953



49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section **11-50-101** is enacted to read:

51 **CHAPTER 50. LOCAL JURISDICTION RELATED TO FEDERALLY**  
52 **MANAGED LAND ACT**

53 **11-50-101. Title.**

54 This chapter is known as the "Local Jurisdiction Related to Federally Managed Land  
55 Act."

56 Section 2. Section **11-50-102** is enacted to read:

57 **11-50-102. Definitions.**

58 As used in this chapter:

59 (1) "Chief executive officer" means:

60 (a) for a municipality:

61 (i) the mayor, if the municipality is operating under a form of municipal government  
62 other than the council-manager form of government; or

63 (ii) the city manager, if the municipality is operating under the council-manager form  
64 of government; or

65 (b) for a county:

66 (i) the chair of the county commission, if the county is operating under the county  
67 commission or expanded county commission form of government;

68 (ii) the county executive officer, if the county is operating under the county-executive  
69 council form of government; or

70 (iii) the county manager, if the county is operating under the council-manager form of  
71 government.

72 (2) "County sheriff" means an individual elected to the office of county sheriff in the  
73 state who meets the qualifications described in Section 17-22-1.5.

74 (3) "Federal agency" means the United States Bureau of Land Management or the  
75 United States Forest Service.

76 (4) "Federally managed land" means land that is managed by the United States Bureau  
77 of Land Management or the United States Forest Service.

78 (5) "Political subdivision" means a municipality or county.

79 Section 3. Section **11-50-103** is enacted to read:

80 **11-50-103. Local jurisdiction related to federally managed land.**

81 The authority of a chief executive officer of a political subdivision or county sheriff to  
82 exercise jurisdiction over federally managed land in the state that is encompassed by or  
83 adjacent to the political subdivision includes the following:

84 (1) if the action or inaction of a federal agency related to federally managed land  
85 adversely affects or constitutes an imminent threat to the health, safety, or welfare of the people  
86 of the political subdivision, the chief executive officer or county sheriff may provide written

87 notice to the federal agency, which notice shall:

88 (a) be delivered to the federal agency by hand or by certified mail and a copy provided  
89 by certified mail to the governor, the state attorney general, and the state's Congressional  
90 delegation;

91 (b) include a detailed explanation of how the action or inaction of the federal agency  
92 related to federally managed land adversely affects or constitutes an imminent threat to the  
93 health, safety, or welfare of the people of the political subdivision;

94 (c) include a detailed description of the action the federal agency should take to  
95 mitigate the risk to the health, safety, or welfare of the people of the political subdivision; and

96 (d) provide a specific date by which time the federal agency should respond to the  
97 notice; and

98 (2) if after receiving notice as described in Subsection (1)(a), the federal agency does  
99 not respond by the date requested in the notice, or otherwise indicates that it is unwilling to  
100 take action to mitigate the risk to the health, safety, or welfare of the people of the political  
101 subdivision described in the notice, the chief executive officer or county sheriff may exercise  
102 jurisdictional authority by taking action to mitigate the risk to the health, safety, or welfare of  
103 the people of the political subdivision, which action may include:

104 (a) entry onto the federally managed land by the chief executive officer or county  
105 sheriff and employees or agents of the chief executive officer or county sheriff as necessary to  
106 mitigate the risk to the health, safety, or welfare of the people of the political subdivision; and

107 (b) authorizing any vehicle as defined in Section 41-6a-102 and any equipment to be  
108 brought onto federally managed land and used as necessary to mitigate the risk to the health,  
109 safety, or welfare of the people of the political subdivision.

110 Section 4. Section **11-50-104** is enacted to read:

111 **11-50-104. Indemnification.**

112 If the United States or a federal representative brings an action or a proceeding against a  
113 chief executive officer, a county sheriff, or an employee or agent of a chief executive officer or  
114 county sheriff for exercising the jurisdictional authority described in this chapter, the state shall  
115 indemnify, hold harmless, and defend the chief executive officer, the county sheriff, or the  
116 employee or agent, if the chief executive officer, the county sheriff, or the employee or agent:

117 (1) acted in good faith in responding to a risk to the health, safety, or welfare of the

118 people of the political subdivision;  
119           (2) acted in good faith to follow the requirements of this chapter; and  
120           (3) for an employee or agent, acted in good faith to follow the express direction of the  
121 chief executive officer or county sheriff in any entry, or mitigation action performed, on  
122 federally managed land.